

Docket No.: 62758-017

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Customer Number: 20277

Kyuichirou NAGAI, et al.

Confirmation Number: 8786

Serial No.: 10/081,150

Group Art Unit: 3728

Filed: February 25, 2002

Examiner: T. G. Arnold

For: DISC CASE

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Restriction Requirement
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

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TECHNOLOGY CENTER R3700

Sir:

Responsive to the Office Action of January 29, 2004, Applicants hereby provisionally elect Species I for prosecution in the above-identified application. Applicants believe that claims 1-17 read on the elected species. This election is made with traverse.

The January 29, 2004 Action required an election between three allegedly distinct species. The species allegedly corresponded to the drawings as follows:

Species I – Figs. 1, 2 and 5-11;

Species II – Figs. 12-16; and

Species III – Figs. 17 and 18.

Applicants respectfully traverse this election of species requirement. The present application includes four embodiments, not three species. Figs. 1 and 2 are discussed in the background section of the text. The first embodiment is that shown in Figs. 5-11, the second embodiment is shown in Figs. 12-14; the third embodiment appears in Figs. 15 and 16; and the fourth embodiment appears in Figs. 17 and 18. Attention is directed to the brief description of the drawings on pages 9 and 10 of the specification.

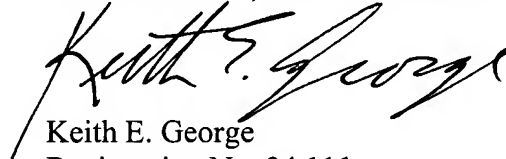
It is respectfully submitted that an election of species requirement is inappropriate in this case, for example, because all of the claims read on the elected species (embodiment of Figs 5-11). At least some of the claims read on all of the embodiments (see claims 1 and 14 by way of example), and it is believed that the number of "species" claimed is not so unreasonable as to justify requiring an election.

Withdrawal of the election of species requirement and prompt favorable examination are earnestly solicited.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: February 27, 2004